

**UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE	)	CHAPTER 13
	)	
	)	CASE NO.: 21-13130-AMC
	)	
SHAVONE T. DIVERS,	)	
Debtor	)	
~~~~~	)	
BMW BANK OF NORTH AMERICA,	)	
Movant	)	<b>HEARING DATE:</b>
vs.	)	Tuesday, March 01, 2022
	)	11:00 A.M.
SHAVONE T. DIVERS,	)	
Respondent(s)	)	
and	)	
	)	
KENNETH E. WEST	)	<b>LOCATION:</b>
Trustee	)	United States Bankruptcy Court 900
	)	Market Street
	)	Courtroom No. 4
	)	Philadelphia, PA 19107

**MOTION FOR RELIEF FROM AUTOMATIC STAY**

AND NOW, comes the above-captioned Movant, BMW Bank of North America, by and through their attorney, Jason Brett Schwartz, Esquire, who files this Motion based upon the following:

1. The Movant is a corporation having a principal place of business located at 5550 Britton Pkwy, Hilliard, OH 43026.
2. The Respondent, Shavone T. Divers is an individual with a mailing address at 155 E. Godfrey Avenue, Apt E803, Philadelphia, PA 19120, who has filed a Petition under Chapter 13 of the Bankruptcy Code.
3. On or about March 30, 2021, Debtor Shavone T. Divers entered into a Retail Installment Sales Contract, involving a loan in the amount of \$14,795.87 for the purchase of a 2013 BMW X5 Series Utility 4D 35i AWD 3.0L I6 Turbo.
4. The vehicle secured by the Contract has V.I.N. 5UXZV4C57D0G57375.

5. Movant is the assignee of the Contract.
6. The above – described vehicle is encumbered by a lien with a payoff in the amount of \$14,793.72 plus other appropriate charges as of February 03, 2022 but subject to change. The regular monthly payment is \$340.37 at an interest rate of 13.49%.
7. Applying payments received to the earliest payment due, payments have been missed post-petition, since November 29, 2021 in the amount of \$1,021.11, plus all applicable late charges, interest, attorneys' fees and costs plus Pre-Petition Payments of \$670.48.
8. The Property has a N.A.D.A. Value of \$16,450.00.
9. The vehicle is not necessary to an effective reorganization.
10. The Movant is the only lienholder of record with regard to the vehicle.
11. In order to proceed with repossession of the vehicle, relief from the automatic stay must be obtained.
12. Failure to make adequate protection payments is cause for relief from the automatic stay.
13. The Movant has incurred attorney's fees in the filing of this Motion.
14. The vehicle is a rapidly depreciating asset. Movant requests the waiver of Rule 4001(a)(3).

WHEREFORE, Movant prays for your Honorable Court to enter an Order permitting the Movant to proceed with the repossession proceedings of the aforementioned vehicle.

Respectfully submitted,  
Mester & Schwartz, P.C.

/s/ Jason Brett Schwartz  
Jason Brett Schwartz, Esquire  
Attorney for Movant  
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